

Parsha Journeys: Parshat Matos-Masei

Based on a Naaleh.com shiur by Rabbi Hanoch Teller

The tribe of Levi did not inherit a portion in the land of Israel. Instead they were given cities scattered throughout the land which also served as cities of refuge for unintentional murderers. In a good environment among the Leviim who were scholars and educators, they could be influenced to repent and become righteous people.

The Torah tells us that there were signposts throughout the land pointing to the cities of refuge, while there were no such markers leading to Jerusalem. Rav Dessler explains that one is meant to feel revulsion when speaking to a murderer. But if one is exposed to such people numerous times, one becomes inured. Therefore to maintain the Jews' sensitivity there were signs posted throughout

the land so that there would be minimal interaction. In contrast, going up to Jerusalem is a *mitzvah*. Hashem wanted as many people as possible to come to the *beit hamikdash*. Therefore he made it difficult for people to find the way so that they would ask others how to get there. In this way more Jews would be influenced and inspired to ascend to the holy city.

Writing on Shabbat

Based on a Naaleh.com shiur by Rabbi Michael Taubes

The Gemara says the 39 *melachot* (activities forbidden on *Shabbat*) correspond to the creative activity that was done in the *mishkan*. One only transgresses *Shabbat* on a *d'orayta* level (Torah mandated level) by doing work that was done in the *mishkan*. There are a number of sources that detail how writing was used in the *mishkan*. Each of the *kerashim* (boards) that made up the tabernacle had to be marked to know where to reposition it after traveling. Moshe made an exact reckoning of everything that was collected for the *mishkan*. The jewels on the breastplate of the *kohen gadol* had the name of each tribe carved on it.

The Gemara notes that one is allowed to write up the deed of a sale of land in Israel on *Shabbat* because of the prime importance of the *mitzvah* of settling Eretz Yisrael. Rashi says this means that if a non-Jew wants to sell land immediately and the buyer is afraid the opportunity will be lost, he may ask a non-Jew to write up the contract on *Shabbat*. The Rambam and Shulchun Aruch accept this Gemara as it is written. However, the Rema says this is only permitted if the non-Jew writes up the document in his own language. He quotes the Ohr Zeruah that writing in Hebrew is an *issur d'orayta* and a non-Jew can only do an *issur d'rabanan* (Rabbinical

prohibition) for a Jew. In this case it would be a *shvus d'shvus*, a double *d'rabanan*. The first *d'rabanan* would be asking the non-Jew to do work. The second *d'rabanan* would be writing in a foreign language. The view of the Ohr Zeruah is based on a Yerushalmi which says that the letters written on the planks of the *mishkan* were in Hebrew.

The Gemara in Eiruvim raises another question. The Torah allows a *brit* (circumcision) to be performed on *Shabbat* but the preparatory *mitzvot* related to it must be done beforehand. In the times of the Gemara, if hot water wasn't available for a *brit*, the *mitzvah* was not performed that day. It happened once at a *brit* on *Shabbat* that someone mistakenly spilled the hot water that had been prepared. Rabbah said, "Bring a pot of hot water from my house." His nephew Abaye countered, "How can we do this? There's no *eruv* and we can't carry?" Rabbah answered, "Ask a non-Jew to get the pot." It seems the Gemara permitted a non-Jew to do an *issur d'orayta* for a *brit*. However later, the Gemara brings another story. Again, there was no hot water for a *brit*. Rava said, "Ask the mother if she needs hot water. Since she's considered a *cholah sheyesh bo sakana* (an ill person in danger), one would be allowed to heat water for her and then use the extra water for the baby. This

Gemara seems strange. Rabbah allowed a non-Jew to do *melacha* for a *brit*. Why was the mother needed? Tosfot points out that in fact one is not allowed to tell a non-Jew to do an *issur d'orayta*. In the first Gemara it was a *shvus d'shvus*, asking the non-Jew to carry in a place that was only Rabbinically prohibited. However the Bahag disagrees and says one can ask a non-Jew to do a *melacha d'orayta* for a *brit*. In that case the mother was needed as there were no non-Jews around and a Jew was forced to heat the water.

The Rema rules like the Ohr Zeruah and Tosfot that writing in Hebrew is an *issur d'orayta*. Writing in all other languages is an *issur d'rabanan*. One can never allow a non-Jew to do something on a *d'orayta* level. One needs a *shvus d'shvus* even for the *mitzvah* of settling Eretz Yisrael. The Magen Avraham asks, how can the Ohr Zeruah and the Rema permit a non-Jew to write on *Shabbat* when the Mishna says writing in any language is an *issur d'orayta*. The Noda B'Yehuda notes that the Ohr Zeruah's opinion is a minority view. Most authorities rule that all writing is prohibited *d'orayta*. However Tosfos says that the Gemara made one exception and permitted writing for the sake of the *mitzvah* of settling Eretz Yisrael.



Introduction to the Mitzvah of Kiddush

Based on a Naaleh.com shiur by Rabbi Shimon Isaacson

The Torah says, "*Zacher et yom ha'Shabbat* ." The Gemara explains, "*Zachreyhu al hayayin*." We learn that there are three aspects to the *mitzvah* of *kiddush*. 1. One must express *kedushat Shabbat* (the holiness of the day) 2. It should be done on a cup of wine 3. The wine must be drunk. Most Rishonim maintain that *kiddush* is a *mitzvah d'orayta*. However there is a major disagreement among the Rishonim whether all three aspects are on the *d'orayta* level. According to the Meforosh all three aspects of *kiddush* are *d'orayta*. According to Tosfos in Pesachim the *bracha* on *kiddush* and reciting it on a cup is *d'orayta* and the drinking is *d'rabanan*. According to Tosfos in Nazir, the *bracha* is *d'orayta*, while saying it on a cup and drinking the wine is *d'rabanan*. The Rambam writes that reciting the words of *kiddush* and *havdala* is *d'orayta*. Saying it over wine is *d'rabanan*.

The Gemara asks, if one can't afford both candles for Chanukah and Shabbat which one gets priority? Rava answers one should buy Shabbat candles because of *shalom bayit*. If it is Shabbat Chanukah and one only has enough money for wine or Chanukah candles, Chanukah candles wins out because of *pirsumei nisa* (the *mitzvah* to publicize the miracle). The Ran, in keeping with the opinion of Rashi, writes that although the best way to fulfill the *mitzvah* is to make *kiddush* on wine, it can be said on bread too. So the Gemara debates what overrides.

Are we exempt from *kiddush* on Yom Kippur? If the *halacha* is like Rashi that the *mitzvah d'orayta* is to sanctify the day on a cup of

wine, then one is exempt. But according to the dominant view of the Rambam and Tosfos, one can have intention when one recites the *kedushat hayom* in Maariv and satisfy one's obligation of *kiddush*.

On Friday night we say two blessings in *kiddush*, *Borei pri hagafen* and *Mekadesh Ha'Shabbat*. There's a disagreement which blessing comes first. Beit Hillel says *Borei pri hagafen* takes priority because wine brings about the obligation for *kiddush*. In addition, our sages say, "*Tadir v'sheino tadir kodem*." (That which is frequent is put before that which is less frequent.) The Nodah B'Yehuda asks, we assume that the blessing of *Mekadesh Ha'Shabbat* is *d'orayta* and *Borei pri hagafen* is *d'rabanan*. Certainly a blessing that is *d'orayta* takes precedence over a *d'rabanan*. Why then is *hagefen* first? He answers that we rule like the Tosfos and the Rambam. Since we already sanctified the Shabbat during Maariv, *kiddush* at home is only *d'rabanan*. We can then debate which of the two Rabbinic *brachot* come first. He then asks, what if one didn't daven Maariv? Should *Mekadesh Ha'Shabbat* then precede *hagefen*? In addition, women generally don't daven Maariv. If she makes *Kiddush* for herself, should she first say *Mekadesh Ha'Shabbat*? The Shaagas Aryeh explains that when a few *mitzvot* are performed in a series and one is *d'orayta* and the other *d'rabanan*, the *d'orayta* doesn't necessarily have to come first. Perhaps Chazal wanted a context of *d'orayta* and the *d'rabanan* could come first. So we keep the order as it is.

The Shulchan Aruch states that a woman

could technically exempt a man with *Kiddush* as she is obligated in the *mitzvot* of Shabbat just as men are. However the Mishna Berura notes that if there are other men outside the family present, she should not do so for reasons of modesty. The Noda B'Yehuda asks, can a man who has fulfilled his *d'orayta* obligation of *Kiddush* in Maariv exempt a woman with *kiddush* if she hasn't prayed?

The Rosh brings two contradictory Gemaras in *Brachot*. Are women obligated in bentsching on a *d'orayta* or *d'rabanan* level? There are some parts of the text that don't apply to women such as, "*Al britcha shechasmta...*" and "*Al haretz shehinchalta...*" So assuming a woman is only obligated *m'drabanan* can she exempt a man who has a *d'orayta* obligation? The second Gemara tells the story of King Yannai who was eating a meal with his wife. When they finished they realized they had no one to bentsch for them. His wife suggested they call Rav Shimon ben Shetach who said, "I didn't eat with you, how can I bentsch on your behalf?" He then ate a *kezayit* of bread and bentsched for them. The Gemara points out that eating a *kezayit* only obligates a person to bentsch *m'drabanan*. Yet Rav Shimon exempted King Yannai and his wife who had eaten a full meal and were obligated *d'orayta*. So we learn that one who is obligated *d'rabanan* can exempt someone who is obligated *m'dorayta*. The Rosh explains that a man maintains his *arvut* in all situations while women aren't in the category of *arvut* at all. Rav Akiva Eiger suggests that when a woman says Good Shabbat to her husband Friday night she has satisfied her *d'orayta* obligation.